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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,601

Applicant(s)

HEMMAT ET AL.

Examiner

Thuy Dao

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-12 and 14-26 is/are pending in the application.
4a) Of the above claim(s) 3 and 13 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-12 and 14-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/13/07.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on January 21, 2008 has been entered.

2. Claims 1-2, 4-12, and 14-26 have been examined.

Information Disclosure Statement

3. The Office acknowledges receipt of the Information Disclosure Statement filed on December 13, 2007. It has been placed in the application file and the information referred to therein has been considered by the examiner.

Response to Amendments

- 4. Per Applicants' request, claims 1-2, 4-8, 12, 16, 20, and 26 have been amended and claims 3 and 13 have been canceled.
- 5. The objection to claims 1-2, 8, 16, and 20 is withdrawn.
- 6. The objection to drawings is withdrawn in view of Applicants' amendments.
- 7. The objection to the abstract is withdrawn in view of Applicants' amendments.

Claim Objections

8. Claim 1 is objected to because of minor informalities. The Applicants amended lines 10-11 to recite the limitations "...confirming the reserved resources at each of the plurality of steps in the detailed requirements analysis", wherein the detailed requirements analysis comprises "a functional requirements modeling step" (claim 4), "a system requirements step" (claim 5), "an application integration modeling step" (claim 6), and "a contract development step" (claim 7).

However, the originally filed disclosure merely discloses:

"The EDP process typically comprises five phases: Define, Discover, Design, Develop, and Deploy" (page 4, paragraph [0012], last three lines, emphasis added); and

"In the illustrated embodiment, the reservation is confirmed at the end of each step in the Discover phase 116" (page 10, paragraph [0031], first two lines, emphasis added).

The examiner respectfully requests the Applicants point out the support for the limitations "...confirming the reserved resources at each of the plurality of steps in the detailed requirements analysis" in the next communication with the Office. For the purpose of compact prosecution, in this Office action, claim 1 is examined as currently presented.

Also in claim 1, line 13, the phrase is considered to read as - "...the plurality of steps of the detailed requirements analysis ...- -. Appropriate correction is required.

9. Claim 20 is objected to because of minor informalities. To provide consistency in independent claim 20 and antecedent basis for dependent claims 21-26, the terms "capacity", "resources", "reserved capacity", and "reserved resources" should be amended accordingly. Appropriate correction is required.

Response to Arguments

10. Applicants' arguments have been fully considered.

a) "Kaelicke does not disclose reserving resources prior to offering a contract to the customer" (Remarks, pp. 18-19):

The examiner respectfully disagrees with Applicants' assertions. Kaelicke explicitly discloses:

FIG. 1A, Development and Test Phase 110 is prior to Delivery and Acceptance Phase 115 (phrase 115 as delivering/offering and accepting a contract), [0049]-[0053]); and

FIG. 6A, said Development and Test Phase 110 includes confirming that "test resource are scheduled and available for performing tests", emphasis added, [0089], [0096], [0206], [0251]; wherein

[0089] discloses a test readiness confirmation task 630;

[0096] discloses said test readiness confirmation task 630 "confirming that test resources, including personnel and test equipment, are scheduled and available for performing tests. Tests can be modified or rescheduled if applicable resources are not available. The availability of resources can be monitored over extended periods as a series of tests is performed" (i.e., the step of reserving must have been performed to perform tests, and reschedule, i.e., re-reserve, test resources if not available, emphasis added).

b) "Kaelicke does not disclose confirming the reserved resources at each step in the detailed requirements analysis" (Remarks, pp. 19-21):

The examiner respectfully disagrees with Applicants' assertions. Kaelicke explicitly discloses Tests, License and service agreement, Participant, and Deliverables has the task of confirming the reserved resources:

- [0096], Test readiness confirmation task;
- [0223], License and service agreement check task;
- [0232], Participant commitment confirmation task; and
- [0238], Deliverables sign-off confirmation task.

c) "Kaelicke does not disclose scheduling the reserved resources agreed upon in the contract ... Because Kaelicke does not disclose reserving resources, Kaelicke also does not schedule the reserved resources..." (Remarks, pp. 21-22):

The examiner respectfully disagrees with Applicants' assertions. As set forth in (a) above, Kaelicke explicitly discloses "reserving resources" and furthermore, "scheduling the reserved resources" (e.g.,

- [0096], scheduling test resources, including personnel and test equipment;
- [0182], scheduling patch creation, roles of participants, reserving resources for testing assembled patch; and
- [0252], scheduling personnel involved in the development process).

d) "Kaelicke does not disclose a series of releases, each having an initial allocation of capacity" (Remarks, page 23):

The examiner respectfully disagrees with Applicants' assertions. Kaelicke explicitly discloses "a series of releases, each having an initial allocation of capacity" (e.g., a series of project milestones as a series of releases, each having required resources, [0078], [0157], [0216], [0238], [0241]).

Claim Rejections – 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaelicke (art of record, US Patent Publication No. 2004/0143811 A1).

Claim 1:

Kaelicke discloses *a computer implemented method for scheduling resources to be used in a software development project comprising:*

a customer providing information regarding a software development project to be completed ([0066-0069]; [0136], [0139]);

a planning department initially reviewing the provided information and providing initial feedback prior to completing a detailed requirements analysis (e.g., [0016], [0055], [0070-0072]);

wherein the detailed requirements analysis includes a plurality of steps (e.g., [0016], [0018],[0051], [0072], [0077]);

the planning department reserving resources for the project based on the information prior to completing the detailed requirements analysis (e.g., [0024], [0027], [0080], [0104-0105], [0147]);

the planning department confirming the reserved resources at each of the plurality of steps in the detailed requirements analysis (e.g.,

FIG. 1A, Development and Test Phase 110 is prior to Delivery and Acceptance Phase 115 (phrase 115 as delivering/offering and accepting a contract), [0049]-[0053]); and

FIG. 6A, said Development and Test Phase 110 includes confirming that "test resource are scheduled and available for performing tests", emphasis added, [0089], [0096], [0206], [0251]; wherein

[0089] discloses a test readiness confirmation task 630;

[0096] discloses said test readiness confirmation task 630 "confirming that test resources, including personnel and test equipment, are scheduled and available for performing tests. Tests can be modified or rescheduled if applicable resources are not available. The availability of resources can be monitored over extended periods as a series of tests is performed" (i.e., the step of reserving must have been performed to perform tests, and reschedule, i.e., re-reserve, test resources if not available, emphasis added).

[0206], investigating the availability of resources; [0246], ARC sheet update task 1424 regarding resource commitments to the development; [0269], identifying the availability of resources; [0223], [0232], [0238];

Tests, License and service agreement, Participant, and Deliverables has the task of confirming the reserved resources:

[0096], Test readiness confirmation task;

[0223], License and service agreement check task;

[0232], Participant commitment confirmation task; and

[0238], Deliverables sign-off confirmation task);

offering the customer, through the planning department, a final contract upon completion of the plurality of steps of the detailed analysis (e.g., [0069], [0133], [0226], [0244]),

wherein the final contract describes the resources to be used for completion of the project (e.g., [0079], [0225], [0238], [0259]); and

the planning department storing a list of the reserved resources on a computer readable medium (e.g., [0096], 0165-0166], [0182], [0206], [0242], [0246], [0251], [0293-0294]).

Claim 2:

The rejection of claim 1 is incorporated. Kaelicke also discloses *after reserving resources: scheduling the reserved resources as agreed upon in the contract upon approval of the contract by the customer through the planning department (e.g., [0018], [0069], [0133]).*

Claim 4:

The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: a functional requirements modeling step (e.g., [0018], [0027], [0196], [0211]).*

Claim 5:

The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: a system requirements modeling step (e.g., [0028], [0104], [0187]).*

Claim 6:

The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: an application integration modeling step (e.g., [0016], [0089], [0100], [0138]).*

Claim 7:

The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: a contract development step* (e.g., [0018], [0069], [0095], [0133]).

Claim 8:

Kaelicke discloses *a computer implemented method for scheduling resources needed for a project comprising:*

a planning department managing a customer's expectations about the project based on preliminary information the customer provides to the planning department (e.g., [0060-0069], [0136], [0139]);

the customer approving the project for further analysis (e.g., [0018], [0069], [0133]),

wherein the further analysis includes a plurality of steps (e.g., [0016], [0051], [0072], [0077]);

the planning department reserving resources for the project based on the preliminary information and past experience (e.g., [0024], [0027], [0080]);

the planning department confirming the reserved resources at the end of at least one of the plurality of steps in the further analysis (e.g.,

Tests, License and service agreement, Participant, and Deliverables has the task of confirming the reserved resources:

[0096], Test readiness confirmation task;

[0223], License and service agreement check task;

[0232], Participant commitment confirmation task; and

[0238], Deliverables sign-off confirmation task.

[0104-0105]), [0147];

upon completion of the plurality of steps in the further analysis, the planning department offering the customer a final contract describing resources to be used for completion of the project (e.g., [0018], [0069], [0133]);

upon approval of the contract by the customer, the planning department scheduling the reserved resources as agreed upon in the final contract (e.g., [0024], [0027], [0058]-[0059], [0077], [0080], [0104-0105], [0147]; [0206], [0251]); and the planning department storing a list of the reserved resources on a computer readable medium (e.g., [0096], 0165-0166, [0182], [0206], [0242], [0246], [0251], [0293-0294]).

Claim 9:

The rejection of claim 8 is incorporated. Kaelicke also discloses *the managing of the customer's expectations comprises the planning department giving the customer an estimate of the likely duration of the project based on past experience and on the preliminary information provided by the customer (e.g., [0027], [0059], [0078], [0143]).*

Claim 10:

The rejection of claim 9 is incorporated. Kaelicke also discloses *the customer's approval of the project for further analysis is based on the estimate of the likely duration of the project (e.g., [0167], [0210], [0216], [0225]).*

Claim 11:

The rejection of claim 8 is incorporated. Kaelicke also discloses *the confirming of the reserved resources comprises determining whether the results of the further analysis indicate whether modifications are needed in the reserved resources (e.g., [0027], [0083], [0091], [0096]).*

Claim 12:

The rejection of claim 8 is incorporated. Kaelicke also discloses *the further analysis comprises a functional requirements modeling step, a system requirements modeling step, an application integration modeling step, and a contract development step (e.g., as set forth in claims 4-7).*

Claim 14:

The rejection of claim 11 is incorporated. Kaelicke also discloses *if it is determined that modifications are needed in the reserved resources, alerts are sent to projects dependent on a project for which modifications are needed in the reserved resources, the alerts informing the dependent projects that further analysis may be needed* (e.g., [0147], [0165]).

Claim 15:

The rejection of claim 8 is incorporated. Kaelicke also discloses *the reserving of resources is aided by a tool that uses past experience and the preliminary information as input and produces an estimate of the resources required as output* (e.g., [0165], [0269]).

Claim 16:

Kaelicke discloses *a computer implemented method for scheduling resources to be used in a software development project comprising:*

a customer submitting information about the software development project to an Information Technology (IT) department (e.g., [0066-0069], [0136], [0139]);

the IT department analyzing the feasibility of the project and estimating its cost (e.g., [0027], [0059], [0078], [0143]);

the customer deciding whether to proceed with the project based on the analysis of feasibility and estimate of cost; upon deciding to proceed, the customer prioritizing and funding the project (e.g., [0167], [0210], [0216], [0225]); *and*

the IT department reserving resources for the project; the IT department modeling at least one requirement for the project after deciding to proceed (e.g., [0024], [0027], [0080]);

upon completion of the at least one requirement modeling, the IT department giving the customer a final contract with an estimate of resources needed for completion of the project (e.g., [0018], [0069], [0133]); *and*

booking the reserved resources as agreed on in the final contract upon approval of the final contract with the estimate by the customer (e.g., [0104-0105], [0147], [0096], reserving and confirming resources, including personnel and test equipment, are scheduled and available for performing tests; [0166], booking resources and monitoring and dispatching resources; [0206], investigating the availability of resources after booking them; [0246], ARC sheet update task 1424, after booking resources, monitoring resource commitments to the development; [0269], identifying the availability of resources after reserving them;

[0096], scheduling test resources, including personnel and test equipment;

[0182], scheduling patch creation, roles of participants, reserving resources for testing assembled patch; and

[0252], scheduling personnel involved in the development process)); and

the planning department storing a list of the reserved resources on a computer readable medium (e.g., [0096], 0165-0166), [0182], [0206], [0242], [0246], [0251], [0293-0294]).

Claim 17:

The rejection of claim 16 is incorporated. Kaelicke also discloses *during the requirement modeling, the IT department determining whether the results of the modeling of a requirement indicate that modifications to the requirement are needed (e.g., [0027], [0083], [0091], [0096]).*

Claim 18:

The rejection of claim 17 is incorporated. Kaelicke also discloses *when modifications are needed, alerts are sent to projects dependent on a project for which modifications are needed in the reserved resources, the alerts informing the dependent projects that further analysis may be needed (e.g., [0147], [0165]).*

Claim 19:

The rejection of claim 1 is incorporated. Kaelicke also discloses *the reserving of resources is aided by a tool that uses past experience and the information submitted by the customer as input and produces an estimate of the resources required as output* (e.g., [0165], [0269]).

Claim 20:

Kaelicke discloses *a computer implemented method for scheduling software releases for a computer system comprising:*

planning a series of releases for a given time period, each release having an initial allocation of capacity (e.g., a series of project milestones as a series of releases, each having required resources, [0078], [0157], [0216], [0238], [0241]);

reviewing information regarding proposed software projects and providing initial estimates of cost and duration for such projects to customers for approval to move into a detailed analysis (e.g., [0066-0069], [0136], [0139]);

on receiving approval for the detailed analysis for each project, reviewing the planned series of releases and the initial estimate of cost and duration for the approved project and reserving capacity in a release having available capacity for the approved project (e.g., [0027], [0059], [0078], [0143]);

adjusting the reserved capacity as the detailed analyses and as customer feedback change the scope of the projects approved for further analysis and, where available capacity is not present, moving the reserved capacity to a later release (e.g., [0094], [0147], [0155], [0158]);

as the detailed analyses of the approved projects are completed and the approved projects are finally approved for development through a contract, booking the reserved capacity in the releases (e.g., [0024], [0080], [0104-0105], [0147], [0169], [0180-0183]; [0096], reserving and confirming resources, including personnel and test equipment, are scheduled and available for performing tests; [0166], booking resources and monitoring/dispatching resources; [0206], investigating the availability of resources after booking them; [0246], ARC sheet update task 1424, after booking resources,

monitoring resource commitments to the development; [0269], identifying the availability of resources after reserving them); *and*

the planning department storing a list of the reserved resources on a computer readable medium (e.g., [0096], 0165-0166, [0182], [0206], [0242], [0246], [0251], [0293-0294])

Claim 21:

The rejection of claim 20 is incorporated. Kaelicke also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing the preliminary test approach as determined in the initial review, the type of lab required, and the available resources in the required lab (e.g., [0018], [0069], [0095], [0196]).*

Claim 22:

The rejection of claim 20 is incorporated. Kaelicke also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing dependencies with other projects (e.g., [0069], [0133], [0018]).*

Claim 23:

The rejection of claim 20 is incorporated. Kaelicke also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing the available workforce in the required areas (e.g., [0167], [0210], [0216], [0225]).*

Claim 24:

The rejection of claim 20 is incorporated. Kaelicke also discloses *prior to planning a series of releases for a given time period: receiving from customers estimates of total time required for proposed projects in the given time period; and, adding the received estimates to get a total amount of time for the given time period and*

dividing the time into releases throughout the time period (e.g., [0027], [0059], [0078], [0143]).

Claim 25:

The rejection of claim 24 is incorporated. Kaelicke also discloses *the number and capacity of the planned releases is determined by the total amount of time received (e.g., [0094], [0147], [0155], [0158]).*

Claim 26:

The rejection of claim 24 is incorporated. Kaelicke also discloses *an extra percentage of time can be added to the capacity allocated to each release (e.g., [0027], [0059], [0078], [0143]).*

Conclusion

13. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T Dao/

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192